

**Appendix B: Chart Summarizing Certain Arguments Regarding Negligence *Per Se* Claim (Count II)**

Defendants' Motion to Dismiss and Memorandum of Law in Support present in full Defendants' arguments in dismissal of Plaintiffs' negligence *per se* claim. For the Court's convenience, the chart below provides supporting citations under each states' laws for those arguments. Count II fails for additional reasons not represented in the chart below, as set forth in Defendants' Motion to Dismiss.

State	State Does Not Recognize Negligence <i>Per Se</i>	Causation Required	Damages Required	Precluded Where Statute Lacks Private Right of Action	Fails for Other Reasons
Alabama  <u>Plaintiff:</u> Christenson (¶ 17)		<b>Yes.</b> <i>Brantley v. Int'l Paper Co.</i> , No. 2:09cv230, 2009 WL 2601390, at *4 (M.D. Ala. Aug. 21, 2009).	<b>Yes.</b> <i>Brantley v. Int'l Paper Co.</i> , No. 2:09cv230, 2009 WL 2601390, at *4 (M.D. Ala. Aug. 21, 2009).		<b>Statute Must Protect Particular Class of Persons.</b> <i>Brantley v. Int'l Paper Co.</i> , No. 2:09cv230, 2009 WL 2601390, at *5 (M.D. Ala. Aug. 21, 2009).
Alaska  <u>Plaintiff:</u> Dixon (¶ 19)		<b>Yes.</b> <i>Ferrell v. Baxter</i> , 484 P.2d 250, 260 (Alaska 1971).	<b>Yes.</b> <i>Ferrell v. Baxter</i> , 484 P.2d 250, 261 (Alaska 1971).		<b>Barred by Economic Loss Rule.</b> <i>In re Target Corp. Data Sec. Breach Litig.</i> , 66 F. Supp. 3d 1154, 1172 (D. Minn. 2014).

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Arizona  <u>Plaintiff:</u> Phillips (¶ 21)		<b>Yes.</b> <i>Skinner v. Tel-Drug, Inc.</i> , No. CV-16-00236-TUC-JGZ, 2017 WL 1076376, at *3 (D. Ariz. Jan. 27, 2017), <i>R. &amp; R. adopted</i> 2017 WL 1075029 (D. Ariz. Mar. 22, 2017).	<b>Yes.</b> <i>Skinner v. Tel-Drug, Inc.</i> , No. CV-16-00236-TUC-JGZ, 2017 WL 1076376, at *3 (D. Ariz. Jan. 27, 2017), <i>R. &amp; R. adopted</i> 2017 WL 1075029 (D. Ariz. Mar. 22, 2017).	<b>Yes (as applied to HIPAA).</b> <i>Skinner v. Tel-Drug, Inc.</i> , No. CV-16-00236-TUC-JGZ, 2017 WL 1076376, at *3 (D. Ariz. Jan. 27, 2017), <i>R. &amp; R. adopted</i> 2017 WL 1075029 (D. Ariz. Mar. 22, 2017).	
Arkansas  <u>Plaintiff:</u> Avery (¶ 23)	<b>Yes.</b> <i>Cent. Okla. Pipeline, Inc. v. Hawk Field Servs., LLC</i> , 400 S.W.3d 701, 712 (Ark. 2012).	N/A	N/A	N/A	N/A

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California  <u>Plaintiff:</u> Jackson (¶ 25)	<b>Yes.</b> <i>Quiroz v. Seventh Ave. Ctr.</i> , 45 Cal. Rptr. 3d 222, 243-44 (Cal. Ct. App. 2006).	N/A	N/A	N/A	<b>Barred by Economic Loss Rule.</b> <i>In re Target Corp. Customer Data Sec. Breach Litig.</i> , 66 F. Supp. 3d 1154, 1172 (D. Minn. 2014).
Colorado  <u>Plaintiff:</u> Dugan (¶ 27)		<b>Yes.</b> <i>State v. Moldovan</i> , 842 P.2d 220, 228 (Colo. 1992).	<b>Yes.</b> <i>State v. Moldovan</i> , 842 P.2d 220, 228 (Colo. 1992).		<b>Barred by Economic Loss Rule.</b> <i>Bellwether Cmty. Credit Union v. Chipotle Mexican Grill, Inc.</i> , 353 F. Supp. 3d 1070, 1083-85 (D. Colo. 2018).

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Connecticut  <u>Plaintiff:</u> Mammad (¶ 29)		<b>Yes.</b> <i>Law v. Camp</i> , 116 F. Supp. 2d 295, 303 (D. Conn. 2000).	<b>Yes.</b> <i>Law v. Camp</i> , 116 F. Supp. 2d 295, 303 (D. Conn. 2000).		<b>Barred by Economic Loss Rule.</b> <i>Jones v. Sturm, Ruger &amp; Co., Inc.</i> , No. 3:22-CV-1233, 2024 WL 1307148, at *6-7 (D. Conn. Mar. 27, 2024).
Delaware  <u>Plaintiff:</u> Madonna (¶ 31)		<b>Yes.</b> <i>Wright v. Moffitt</i> , 437 A.2d 554, 557 (Del. 1981).	<b>Yes.</b> <i>Wright v. Moffitt</i> , 437 A.2d 554, 557 (Del. 1981).	<b>Yes.</b> <i>Wright v. Moffitt</i> , 437 A.2d 554, 558-59 (Del. 1981).	<b>Statute Must Protect Particular Class of Persons.</b> <i>Wright v. Moffitt</i> , 437 A.2d 554, 557 (Del. 1981).  <b>Barred by Economic Loss Rule.</b> <i>Salas v. Acuity-CHS, LLC</i> , No. CV 22-317, 2023 WL 2710180, at *7-8 (D. Del. Mar. 30, 2023).

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District of Columbia  <u>Plaintiff:</u> Warren (¶ 33)		<b>Yes.</b> <i>McNeil Pharm. v. Hawkins</i> , 686 A.2d 567, 577-78 (D.C. 1996).	<b>Yes.</b> <i>McNeil Pharm. v. Hawkins</i> , 686 A.2d 567, 577-78 (D.C. 1996).	<b>Yes.</b> 325-343 E. 56th St. Corp. v. Mobil Oil Corp., 906 F. Supp. 669, 688 (D.D.C. 1995).	<b>Statute Must Protect Particular Class of Persons.</b> 325-343 E. 56th St. Corp. v. Mobil Oil Corp., 906 F. Supp. 669, 688 (D.D.C. 1995).
Florida  <u>Plaintiffs:</u> Conley (¶ 35) Meadows (¶ 37) Diatlova (¶ 39)		<b>Yes.</b> <i>Langbehn v. Pub. Health Tr. of Miami-Dade Cnty.</i> , 661 F. Supp. 2d 1326, 1343 (S.D. Fla. 2009).	<b>Yes.</b> <i>Langbehn v. Pub. Health Tr. of Miami-Dade Cnty.</i> , 661 F. Supp. 2d 1326, 1343 (S.D. Fla. 2009).	<b>Yes.</b> <i>Weinberg v. Advanced Data Processing, Inc.</i> , 147 F. Supp. 3d 1359, 1365 (S.D. Fla. 2015).	<b>Statute Must Protect Particular Class of Persons.</b> <i>Langbehn v. Pub. Health Tr. of Miami-Dade Cnty.</i> , 661 F. Supp. 2d 1326, 1342 (S.D. Fla. 2009).

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Georgia  <u>Plaintiff:</u> Darby (¶ 41)	N/A	<b>Yes.</b> <i>Williford v. Bayview Loan Servicing, Inc.</i> , No. 1:16-cv-4268, 2017 WL 11151639, at *5 (N.D. Ga. July 14, 2017).	<b>Yes.</b> <i>Williford v. Bayview Loan Servicing, Inc.</i> , No. 1:16-cv-4268, 2017 WL 11151639, at *5 (N.D. Ga. July 14, 2017).	<b>Yes.</b> <i>Scoggins v. Floyd Healthcare Mgmt. Inc.</i> , No. 4:14-CV-00274, 2016 WL 11544908, at *27 (N.D. Ga. Aug. 30, 2016).	N/A
Hawaii  <u>Plaintiff:</u> Antonio (¶ 43)	<b>Yes.</b> <i>Aana v. Pioneer Hi-Bred Int'l, Inc.</i> , 965 F. Supp. 2d 1157, 1175 (D. Haw. 2013).	N/A	N/A	N/A	N/A

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Idaho  <u>Plaintiff:</u> Rape (¶ 45)		<b>Yes.</b> <i>Millenkamp v. Davisco Foods Int'l, Inc.</i> 391 F. Supp. 2d 872, 876 (D. Idaho 2005).	<b>Yes.</b> <i>Millenkamp v. Davisco Foods Int'l, Inc.</i> 391 F. Supp. 2d 872, 876 (D. Idaho 2005).		
Illinois  <u>Plaintiffs:</u> Leffers (¶ 47) M.O. (¶ 49)	<b>Yes.</b> <i>Abbasi ex rel. Abbasi v. Paraskevoulakos</i> , 718 N.E.2d 181, 185 (Ill. 1999).	N/A	N/A	N/A	<b>Barred by Economic Loss Rule.</b> <i>In re: SuperValu, Inc., Customer Data Sec. Breach Litig.</i> , No. 14-MD-2586, 2018 WL 1189327, at *14 (D. Minn. Mar. 7, 2018).

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Indiana  <u>Plaintiffs:</u> Lowe (¶ 52) Sims (¶ 54)		<b>Yes.</b> <i>Duffy v. Lewis Bros. Bakeries, Inc.</i> , No. 3:24-CV-00081, 2024 WL 5365032, at *10 (S.D. Ind. Dec. 19, 2024).	<b>Yes.</b> <i>Duffy v. Lewis Bros. Bakeries, Inc.</i> , No. 3:24-CV-00081, 2024 WL 5365032, at *10 (S.D. Ind. Dec. 19, 2024).	<b>Yes.</b> <i>Duffy v. Lewis Bros. Bakeries, Inc.</i> , No. 3:24-CV-00081, 2024 WL 5365032, at *11 (S.D. Ind. Dec. 19, 2024).	<b>Barred by Economic Loss Rule.</b> <i>Aspen Am. Ins. Co. v. Blackbaud, Inc.</i> , 624 F. Supp. 3d 982, 1004 (N.D. Ind. 2022).
Iowa  <u>Plaintiff:</u> Kleinheksel (¶ 56)		<b>Yes.</b> <i>Peterson v. Taylor</i> , 316 N.W.2d 869, 876 (Iowa 1982).	<b>Yes.</b> <i>Peterson v. Taylor</i> , 316 N.W.2d 869, 876 (Iowa 1982).	<b>Yes.</b> <i>Meinders v. Dunkerton Cmty. Sch. Dist.</i> , 645 N.W.2d 632, 635 (Iowa 2002).	<b>Barred by Economic Loss Rule.</b> <i>Mohsen v. Veridian Credit Union</i> , 733 F. Supp. 3d 754, 763-67 (N.D. Iowa 2024).



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Kansas  <u>Plaintiff:</u> Carter (¶ 58)		<b>Yes.</b> <i>Ely v. Hitchcock</i> , 58 P.3d 116, 124 (Kan. Ct. App. 2002).	<b>Yes.</b> <i>Ely v. Hitchcock</i> , 58 P.3d 116, 124 (Kan. Ct. App. 2002).	<b>Yes.</b> <i>Cullip ex rel. Pitts v. Domann ex rel. Domann</i> , 972 P.2d 776, 782 (Kan. 1999).	<b>Statute Must Protect Particular Class of Persons.</b> <i>OMI Holdings, Inc. v. Howell</i> , 918 P.2d 1274, 1296 (Kan. 1996).
Kentucky  <u>Plaintiff:</u> Hatfield (¶ 60)		<b>Yes.</b> <i>Est. of Wheeler v. Veal Realtors and Auctioneers, Inc.</i> , 997 S.W.2d 497, 498 (Ky. Ct. App. 1999).	<b>Yes.</b> <i>Est. of Wheeler v. Veal Realtors and Auctioneers, Inc.</i> , 997 S.W.2d 497, 498 (Ky. Ct. App. 1999).		<b>Must be Based on Penal Statutes.</b> <i>Hickey v. Gen. Elec. Co.</i> , 539 S.W.3d 19, 23-24 (Ky. 2018).

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Louisiana  <u>Plaintiff:</u> Bonier (¶ 62)	<b>Yes.</b> <i>Merrell v. 1st Lake Props., Inc.</i> , No. 23-1450, 2023 WL 6316257, at *5 (E.D. La. Sept. 28, 2023).	N/A	N/A	N/A	<b>Barred by Economic Loss Rule.</b> <i>Wiltz v. Bayer CropScience, Ltd. P'ship</i> , 645 F.3d 690, 697-99 (5th Cir. 2011).
Maine  <u>Plaintiff:</u> Merrill (¶ 64)	<b>Yes.</b> <i>Binette v. Dyer Libr. Ass'n</i> , 688 A.2d 898, 904 (Me. 1996).	N/A	N/A	N/A	<b>Barred by Economic Loss Rule.</b> <i>Oceanside at Pine Point Condo. Owners Ass'n v. Peachtree Doors, Inc.</i> , 659 A.2d 267, 269-70 (Me. 1995).

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Maryland  <u>Plaintiff:</u> Seibert (¶ 66)	<b>Yes.</b> <i>Bray v. Marriott Int'l</i> , 158 F. Supp. 3d 441, 445 (D. Md. 2016).	N/A	N/A	N/A	N/A
Massachusetts  <u>Plaintiff:</u> Paul (¶ 68)	<b>Yes.</b> <i>Berish v. Bornstein</i> , 770 N.E.2d 961, 979 (Mass. 2002).	N/A	N/A	N/A	<b>Barred by Economic Loss Rule.</b> <i>In re TJX Cos. Retail Sec. Breach Litig.</i> , 564 F.3d 489, 498-99 (1st Cir. 2009).

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Michigan  <u>Plaintiff:</u> Evans (¶ 70)	<b>Yes.</b> <i>Abnet v. Coca-Cola Co.</i> , 786 F. Supp. 2d 1341, 1345 (W.D. Mich. 2011).	N/A	N/A	N/A	N/A
Minnesota  <u>Plaintiffs:</u> Brooks (¶ 72) Powers (¶ 74) Allen (¶ 76)		<b>Yes.</b> <i>Johnson v. Paynesville Farmers Union Co-op. Oil Co.</i> , 817 N.W.2d 693, 706 (Minn. 2012).	<b>Yes.</b> <i>Johnson v. Paynesville Farmers Union Co-op. Oil Co.</i> , 817 N.W.2d 693, 706 (Minn. 2012).	<b>Yes.</b> <i>Quaife v. Brady, Martz &amp; Assocs., P.C.</i> , No. 3:23-cv-176, 2024 WL 2319619, at *3 (D.N.D. May 22, 2024).	

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Mississippi  <u>Plaintiff:</u> Baggett (¶ 78)		<b>Yes.</b> <i>Ill. Cent. Gulf R.R. Co. v. Milward</i> , 902 So.2d 575, 582 (Miss. 2005).	<b>Yes.</b> <i>Ill. Cent. Gulf R.R. Co. v. Milward</i> , 902 So.2d 575, 582 (Miss. 2005).	<b>Yes.</b> <i>Miller v. El DuPont de Nemours and Co.</i> , 880 F. Supp. 474, 480 (S.D. Miss. 1994).	
Missouri  <u>Plaintiffs:</u> Jones (¶ 80) Hoag (¶ 82)		<b>Yes.</b> <i>Parr v. Breeden</i> , 489 S.W.3d 774, 781 (Mo. 2016).	<b>Yes.</b> <i>Parr v. Breeden</i> , 489 S.W.3d 774, 781 (Mo. 2016).	<b>Yes.</b> <i>Moon v. Bramlett</i> , No. 4:23-CV-1560, 2024 WL 4363571, at *7-8 (E.D. Mo. Oct. 1, 2024).	

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Montana  <u>Plaintiff:</u> Schwalbe (¶ 84)	N/A	<b>Yes.</b> <i>Olson v. Shumaker Trucking &amp; Excavating Contractors, Inc.</i> , 196 P.3d 1265, 1277 (Mont. 2008).	<b>Yes.</b> <i>Olson v. Shumaker Trucking &amp; Excavating Contractors, Inc.</i> , 196 P.3d 1265, 1277 (Mont. 2008).	<b>Yes.</b> <i>Doyle v. Clark</i> , 254 P.3d 570, 577 (Mont. 2011).	N/A
Nebraska  <u>Plaintiff:</u> Kentner (¶ 86)	<b>Yes.</b> <i>Scheele v. Rains</i> , 874 N.W.2d 867, 872 (Neb. 2016).	N/A	N/A	N/A	N/A

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Nevada  <u>Plaintiff:</u> Duncan (¶ 88)	<b>Yes.</b> <i>Cervantes v. Health Plan of Nev., Inc.</i> , 263 P.3d 261, 264 n.4 (Nev. 2011).				
New Hampshire  <u>Plaintiff:</u> Rubera (¶ 90)		<b>Yes.</b> <i>Hardy v. Chester Arms, LLC</i> , 320 A.3d 6, 21 (N.H. 2024).	<b>Yes.</b> <i>Hardy v. Chester Arms, LLC</i> , 320 A.3d 6, 21 (N.H. 2024).	<b>Yes.</b> <i>Marquay v. Eno</i> , 662 A.2d 272, 277 (N.H. 1995).	

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New Jersey  <u>Plaintiffs:</u> Loforese (¶ 92) Slack (¶ 94)		<b>Yes.</b> <i>Caponegro v. U.S. Dep't of Hous. &amp; Urb. Dev.</i> , No. 15-cv-3431, 2017 WL 2197124, at *6 (D.N.J. May 18, 2017).	<b>Yes.</b> <i>Caponegro v. U.S. Dep't of Hous. &amp; Urb. Dev.</i> , No. 15-cv-3431, 2017 WL 2197124, at *6 (D.N.J. May 18, 2017).	<b>Yes (as applied to HIPAA).</b> <i>L.S. v. Mount Olive Bd. of Educ.</i> , 765 F. Supp. 2d 648, 665-66 (D.N.J. 2011).	
New Mexico  <u>Plaintiff:</u> Schiller (¶ 96)		<b>Yes.</b> <i>Archibeque v. Homrich</i> , 543 P.2d 820, 825 (N.M. 1975).	<b>Yes.</b> <i>Archibeque v. Homrich</i> , 543 P.2d 820, 825 (N.M. 1975).		



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New York  <u>Plaintiffs:</u> Korlou (¶ 98) Donadio (¶ 100)		<b>Yes.</b> <i>Lawrence v. Sofamor</i> , S.N.C., No. 95-CV-1507, 1999 WL 592689, at *6 (N.D.N.Y. Aug. 2, 1999).	<b>Yes.</b> <i>Lawrence v. Sofamor</i> , S.N.C., No. 95-CV-1507, 1999 WL 592689, at *6 (N.D.N.Y. Aug. 2, 1999).	<b>Yes.</b> <i>Abdale v. N. Shore-Long Island Jewish Health Sys., Inc.</i> , 19 N.Y.S.3d 850, 859 (N.Y. Sup. Ct. 2015).	<b>Statute Must Protect Particular Class of Persons.</b> <i>Sentry Select Ins. Co. v. Brittany Prop. Mgmt., Inc.</i> , No. 05 CIV. 4829, 2006 WL 8461783, at *9 (S.D.N.Y. Oct. 23, 2006).
North Carolina  <u>Plaintiff:</u> Morgan (¶ 102)		<b>Yes.</b> <i>Smith v. Goldsboro Iron &amp; Metal Co.</i> , 125 S.E.2d 377, 380 (N.C. 1962).	<b>Yes.</b> <i>Smith v. Goldsboro Iron &amp; Metal Co.</i> , 125 S.E.2d 377, 380 (N.C. 1962).	<b>Yes.</b> <i>Hetzel v. JPMorgan Chase Bank, N.A.</i> , No. 4:13-cv-236, 2014 WL 7336863, at *7 (E.D.N.C. Dec. 22, 2014).	

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North Dakota  <u>Plaintiff:</u> Poitra (¶ 104)	<b>Yes.</b> <i>Kimball v. Landeis</i> , 652 N.W.2d 330, 336 (N.D. 2002).	N/A	N/A	N/A	N/A
Ohio  <u>Plaintiffs:</u> Abramczyk (¶ 106) Griffith (¶ 108)		<b>Yes.</b> <i>Riehl v. Bird's Nest, Inc.</i> , No. OT-09-003, 2009 WL 4893384, at *7-8 (Ohio Ct. App. Dec. 18, 2009).	<b>Yes.</b> <i>Riehl v. Bird's Nest, Inc.</i> , No. OT-09-003, 2009 WL 4893384, at *7-8 (Ohio Ct. App. Dec. 18, 2009).	<b>Yes.</b> <i>Sheldon v. Kettering Health Network</i> , 40 N.E.3d 661, 674 (Ohio Ct. App. 2015).	<b>Barred by Economic Loss Rule.</b> <i>Brickman v. Maximus, Inc.</i> , No. 2:21-CV-3822, 2023 WL 2563661, at *2 (S.D. Ohio Mar. 17, 2023).

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Oklahoma  <u>Plaintiff:</u> Thorne (¶ 110)		<b>Yes.</b> <i>Gaines-Tabb v. ICI Explosives USA, Inc.</i> , 995 F. Supp. 1304, 1324 (W.D. Okla. 1996).	<b>Yes.</b> <i>Gaines-Tabb v. ICI Explosives USA, Inc.</i> , 995 F. Supp. 1304, 1324 (W.D. Okla. 1996).	<b>Yes (as applied to HIPAA).</b> <i>Orthman v. Premier Pediatrics PLLC</i> , 545 P.3d 124, 134-35 (Ct. App. Okla. 2024).	
Oregon  <u>Plaintiff:</u> Lanier (¶ 112)		<b>Yes.</b> <i>Scheffel v. Oregon Beta Chapter of Phi Kappa Psi Fraternity</i> , 415, 359 P.3d 436, 451 (Or. 2015).	<b>Yes.</b> <i>Scheffel v. Oregon Beta Chapter of Phi Kappa Psi Fraternity</i> , 415, 359 P.3d 436, 451 (Or. 2015).	<b>Yes.</b> <i>Deckard v. Bunch</i> , 370 P.3d 478, 482 (Or. 2016).	

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Pennsylvania  <u>Plaintiffs:</u> Harbon (§ 114) Kaehler (§ 116) Kirkpatrick (§ 118)		<b>Yes.</b> <i>Lux v. Gerald E. Ort Trucking, Inc.</i> , 887 A.2d 1281, 1288 (Pa. Sup. Ct. 2005).	<b>Yes.</b> <i>Lux v. Gerald E. Ort Trucking, Inc.</i> , 887 A.2d 1281, 1288 (Pa. Sup. Ct. 2005).		<b>Statute Must Protect Particular Class of Persons.</b> <i>Levy-Tatum v. Navient Sols., Inc.</i> , 183 F. Supp. 3d 701, 707-08 (E.D. Pa. 2016).  <b>Barred by Economic Loss Rule.</b> <i>Sovereign Bank v. BJ's Wholesale Club, Inc.</i> , 533 F.3d 162, 175-78 (3d Cir. 2008).

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Rhode Island  <u>Plaintiff:</u> Bussick (¶ 120)	<b>Yes.</b> <i>Borgo v. Narragansett Elec. Co.</i> , 275 A.3d 567, 575 (R.I. 2022).	N/A	N/A	N/A	N/A
South Carolina  <u>Plaintiff:</u> Tynch (¶ 122)		<b>Yes.</b> <i>Whitlaw v. Kroger Co.</i> , 410 S.E.2d 251, 253 (S.C. 1991).	<b>Yes.</b> <i>Whitlaw v. Kroger Co.</i> , 410 S.E.2d 251, 253 (S.C. 1991).	<b>Yes.</b> <i>Denson v. Nat'l Cas. Co.</i> , 886 S.E.2d 228, 232 (S.C. 2023).	<b>Statute Must Protect Particular Class of Persons.</b> <i>Doe v. Marion</i> , 645 S.E.2d 245, 249 & n.4 (S.C. 2007).

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South Dakota  <u>Plaintiff:</u> Rush (¶ 124)		<b>Yes.</b> <i>Alley v. Siepman</i> , 214 N.W.2d 7, 9 (S.D. 1974).	<b>Yes.</b> <i>Alley v. Siepman</i> , 214 N.W.2d 7, 9 (S.D. 1974).		
Tennessee  <u>Plaintiff:</u> Lovell (¶ 126)		<b>Yes.</b> <i>The Nature Conservancy v. Browder</i> , No. 2:07-cv-122, 2008 WL 336744, at *9 (E.D. Tenn. Feb. 5, 2008).	<b>Yes.</b> <i>The Nature Conservancy v. Browder</i> , No. 2:07-cv-122, 2008 WL 336744, at *9 (E.D. Tenn. Feb. 5, 2008).	<b>Yes.</b> <i>Steinberg v. Luedtke Trucking Inc.</i> , No. 4:17-CV-9, 2018 WL 3233341, at *4 (E.D. Tenn. July 2, 2018).	

State	State Does Not Recognize Negligence <i>Per Se</i>	Causation Required	Damages Required	Precluded Where Statute Lacks Private Right of Action	Fails for Other Reasons
Texas  <u>Plaintiffs:</u> Estep (¶ 128) Williams (¶ 130)		<b>Yes.</b> <i>Carrera v. Yañez</i> , 491 S.W.3d 90, 94 (Tex. Ct. App. 2016).	<b>Yes.</b> <i>Carrera v. Yañez</i> , 491 S.W.3d 90, 94 (Tex. Ct. App. 2016).	<b>Yes.</b> <i>Brighthouse Life Ins. Co. v. Daboub</i> , 577 F. Supp. 3d 504, 525-26 (N.D. Tex. 2021).	<b>Must be Based on Penal Statutes.</b> <i>Smith v. Merritt</i> , 940 S.W.2d 602, 607 (Tex. 1997).  <b>Barred by Economic Loss Rule.</b> <i>Binder v. Bank of Am. Corp.</i> , No. 3:10-CV-770, 2010 WL 5017314, at *2 (N.D. Tex. Nov. 22, 2010).
Utah  <u>Plaintiff:</u> Johnson (¶ 132)		<b>Yes.</b> <i>Colosimo v. Gateway Cmty. Church</i> , 424 P.3d 866, 882 (Utah 2018).	<b>Yes.</b> <i>Colosimo v. Gateway Cmty. Church</i> , 424 P.3d 866, 882 (Utah 2018).		<b>Statute Must Protect Particular Class of Persons.</b> <i>Colosimo v. Gateway Cmty. Church</i> , 424 P.3d 866, 881 (Utah 2018).

State	State Does Not Recognize Negligence <i>Per Se</i>	Causation Required	Damages Required	Precluded Where Statute Lacks Private Right of Action	Fails for Other Reasons
Vermont  <u>Plaintiff:</u> Agres (¶ 134)	<b>Yes.</b> <i>Merritt v. United States</i> , No. 5:18-cv-200, 2020 WL 13336978, at *8 (D. Vt. June 26, 2020).	N/A	N/A	N/A	N/A
Virginia  <u>Plaintiff:</u> Hanes (¶ 136)		<b>Yes.</b> <i>Steward ex rel. Steward v. Holland Fam. Props., LLC</i> , 726 S.E.2d 251, 254 (Va. 2012).	<b>Yes.</b> <i>Steward ex rel. Steward v. Holland Fam. Props., LLC</i> , 726 S.E.2d 251, 254 (Va. 2012).	<b>Yes (as applied to HIPAA).</b> <i>Parker v. Carilion Clinic</i> , 819 S.E.2d 809, 824-26 (Va. 2018).	



State	State Does Not Recognize Negligence <i>Per Se</i>	Causation Required	Damages Required	Precluded Where Statute Lacks Private Right of Action	Fails for Other Reasons
Washington  <u>Plaintiff:</u> Ivory (¶ 138)	<b>Yes.</b> <i>Hansen v. Friend</i> , 824 P.2d 483, 486-87 (Wash. 1992).	N/A	N/A	N/A	<b>Barred by Economic Loss Rule.</b> <i>In re: Cap. One Consumer Data Sec. Breach Litig.</i> , 488 F. Supp. 3d 374, 401 (E.D. Va. 2020).
West Virginia  <u>Plaintiffs:</u> Knopp (¶ 140) Wetzel (¶ 142)	<b>Yes.</b> <i>Mills v. Cabell Cnty Bd. Of Educ.</i> , No. 3:22-cv-0592, 2023 WL 4980553, at *3 (S.D. W. Va. Aug. 3, 2023).	N/A	N/A	N/A	N/A

State	State Does Not Recognize Negligence <i>Per Se</i>	Causation Required	Damages Required	Precluded Where Statute Lacks Private Right of Action	Fails for Other Reasons
Wisconsin  <u>Plaintiff:</u> Anderson (¶ 144)		<b>Yes.</b> <i>Monson v. Acromed Corp.</i> , No. 96-C-1336, 1999 WL 1133273, at *21 (E.D. Wis. May 12, 1999).	<b>Yes.</b> <i>Monson v. Acromed Corp.</i> , No. 96-C-1336, 1999 WL 1133273, at *21 (E.D. Wis. May 12, 1999).	<b>Yes.</b> <i>Tatur v. Solsrud</i> , 498 N.W.2d 232, 235 (Wis. 1993).	<b>Statute Must Protect Particular Class of Persons.</b> <i>Grube v. Daun</i> , 563 N.W.2d 523, 528 (Wis. 1997).
Wyoming  <u>Plaintiff:</u> Fossen (¶ 146)		<b>Yes.</b> <i>Frost v. Allred</i> , 148 P.3d 17, 19-21 (Wyo. 2006).	<b>Yes.</b> <i>Frost v. Allred</i> , 148 P.3d 17, 19-21 (Wyo. 2006).		<b>Statute Must Protect Particular Class of Persons.</b> <i>Frost v. Allred</i> , 148 P.3d 17, 21 (Wyo. 2006).